

Europe on the Move: Open or Closed Borders?, GLOBSEC conference 2-3 March 2020.

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Future of Schengen: Drafting Scenarios for Future

- The mass-migration crisis has exposed the weaknesses of the border protection system in Europe, encouraging Schengen member states to restore control over the zone's internal borders
- Checks inside the zone, which had been rare, are becoming the new normal.
- **Temporary border controls introduced after the crisis have proven to be permanent** - although fewer migrants are coming to Europe now than in 2015 (the total number of irregular crossings for 2019 was 139 000, 92% below the peak in 2015, 6 Western and Northern European Schengen members (France, Austria, Germany, Denmark, Sweden, Norway) still prolong controls at their borders (the internal Schengen borders).
- **The current situation in the Schengen zone is far from the regulations of the Schengen Border Code.** According to Schengen Border Code rules temporary controls are restricted to the bare minimum needed to respond to a serious threat to public policy or internal security.

Art. 25 (4) Schengen Border Code

The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed six months. Where there are exceptional circumstances as referred to in Article 29 [Specific procedure where exceptional circumstances put the overall functioning of the area without internal border control at risk], that total period may be extended to a maximum length of two years, in accordance with paragraph 1 of that Article.

- In November 2017, the deadline for the use of the extraordinary procedure under Art. 29 SBC expired for the five countries. At their request, however, the EU Council allowed them to continue the border controls.
- Schengen member states are demanding a further loosening of the SBC rules. Under their pressure, in September 2017, the European Commission proposed another revision of the SBC. It called for leaving unchanged the procedure specified in Art. 29 but modifying Arts. 25 and 27 SBC to allow the period of checks at internal borders to be extended from six months to one year, and under a declared state of emergency for another two years. The total allowable control period would therefore be three years.
- French President Emmanuel Macron goes much further calling for wider Schengen area reform. He argues that “the countries that are showing no solidarity [in coping EU's migration challenges] will eventually have to leave Schengen”.
- **The Schengen area remains at risk.** The migration crisis has undermined mutual trust between its member. The lack of adequate solutions for the protection of external borders at the European level, prolonged work on common mechanisms to address challenges in asylum policy and others related to the secondary movement of migrants, may deepen trend of loosening the Schengen rules in the future. In the short term, this will mean more and more frequent controls on the internal borders of the zone. In the longer term, it may result in the permanent fragmentation of the Schengen system, which would strike at the heart of the entire project.